

AMENDED IN SENATE MAY 20, 2004

AMENDED IN SENATE MAY 10, 2004

AMENDED IN SENATE MAY 3, 2004

AMENDED IN SENATE APRIL 28, 2004

SENATE BILL

No. 1912

**Introduced by Senator Ashburn
(Coauthor: Senator Ortiz)**

March 11, 2004

An act to ~~add Section 49414.7 to~~ *amend Section 49423* of the Education Code, relating to pupil health, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1912, as amended, Ashburn. Pupil health: self-administration of medication.

Existing law provides that each pupil who is required to take, during the regular schoolday, medication prescribed for him or her by a physician, may be assisted by the school nurse or other designated school personnel if the school district receives a written statement from the physician detailing the method, amount, and time schedules by which the medication is to be taken and a written statement from the parent or guardian of the pupil indicating the desire that the school district assist the pupil in the matters set forth in the physician's statement.

This bill would authorize a pupil to carry and self-administer *inhaled* asthma or auto-injectable epinephrine medication ~~in any area of the school grounds, and during any school-related activity, if the parent or~~

~~guardian of that pupil provides written consent to the self-administration and certification that the pupil both suffers from asthma or anaphylaxis and is able to self-administer the medication, thus imposing a state-mandated local program. The bill would require the school in which the pupil is enrolled to keep information regarding the asthma or epinephrine medication on record, thus imposing a state-mandated local program if the school district receives the statements described above.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

~~Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: ~~yes~~ no. State-mandated local program: ~~yes~~ no.~~

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 49414.7 is added to the Education Code,~~
- 2 *SECTION 1. Section 49423 of the Education Code is*
- 3 *amended to read:*
- 4 49423. Notwithstanding ~~the provisions of~~ Section 49422, any
- 5 pupil who is required to take, during the regular ~~school day~~
- 6 *school day*, medication prescribed for him *or her* by a physician,
- 7 may be assisted by the school nurse or other designated school
- 8 *personnel or may carry and self-administer prescription inhaled*
- 9 *asthma medication or auto-injectable epinephrine* if the school
- 10 district receives ~~(1) a both of the following:~~
- 11 (a) A written statement from ~~such~~ *the* physician detailing the
- 12 method, amount, and time schedules by which ~~such~~ *the* medication
- 13 is to be taken ~~and (2) a.~~

(b) A written statement from the parent or guardian of the pupil indicating the desire that the school district assist the pupil in the matters set forth in the physician's statement.

to read:

~~49414.7. (a) A pupil may carry and self-administer prescription asthma or auto-injectable epinephrine medication, or both, in the classroom, in any area of the school grounds, and during any school-related activity, if the parent or guardian of the pupil does both of the following:~~

~~(1) Consents in writing to the self-administration.~~

~~(2) Provides written certification from a physician or other state-licensed health care professional treating the pupil that the pupil suffers from asthma or anaphylaxis, or both, and is able to self-administer asthma or auto-injectable epinephrine medication, or both.~~

~~(b) The school in which a pupil who carries or self-administers asthma or auto-injectable epinephrine medication, or both, pursuant to subdivision (a) is enrolled shall keep information regarding the asthma or epinephrine medication on record.~~

~~(c) If a pupil is observed misusing or sharing asthma medication or auto-injectable epinephrine with pupils, a school principal may revoke the pupil's authorization to carry and self-administer the medication at school. If a principal revokes a pupil's authorization to carry and self-administer the medication at school, the principal shall inform the parent or guardian and physician of the pupil of the revocation.~~

~~SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.~~

~~SEC. 3.—~~

~~SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:~~

- 1 In order to provide, at the earliest possible time, for the
- 2 protection of the health of pupils and prevent deaths, it is necessary
- 3 that this act take effect immediately.

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